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Interim Co-Lead Consumer Class Counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILLIAN KLEIN, *et al.*,

Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:20-cv-08570-JD

**DECLARATION OF SHANA E.
SCARLETT IN SUPPORT OF
OMNIBUS MOTION TO SEAL
MATERIALS SUBMITTED WITH
THE CLASS CERTIFICATION AND
DAUBERT BRIEFING**

The Hon. James Donato

This document relates to: All Consumer Actions

I, Shana E. Scarlett, declare under penalty of perjury as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California. I am a partner with the law firm Hagens Berman Sobol Shapiro LLP (“Hagens Berman”), one of the attorneys of record for Plaintiffs Maximilian Klein, Sara Grabert, and Rachel Banks Kupcho (“Consumer Plaintiffs”) in the above-titled action. I submit this declaration in support of the parties’ omnibus motion to seal materials submitted in connection with the class certification and *Daubert* briefing. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I was appointed by this Court and am currently serving as interim lead counsel for the consumer class. (Dkts. 73, 456).

3. Pursuant to the Court’s September 20, 2023 Order granting the parties’ stipulation to modify sealing procedures (Dkt. 656), Consumer Plaintiffs seek to seal a very limited amount of information in the deposition transcripts of the named plaintiffs and the transcript of Dr. Economides, as follows:

Document	Portion(s) to Remain Under Seal	Reason
[ECF 648-3] Class Certification Motion Expert Witness Reports	User Class Rebuttal Report of Catherine Tucker at p. 11, fn 14	PII
[ECF 648-3] Class Certification Motion Expert Witness Reports	User Class Rebuttal Report of Catherine Tucker at p. 28, fn 71	PII
[ECF 648-3] Class Certification Motion Expert Witness Reports	User Class Rebuttal Report of Catherine Tucker at pp. 46, fn 111	PII
[ECF 648-3] Class Certification Motion Expert Witness Reports	User Class Rebuttal Report of Catherine Tucker at p. 48, fn 117	PII
[ECF 655] Administrative Motion to File Under Seal, Ex. 11	Deposition Transcript of Sarah Grabert dated April 25, 2023, at 236:5	PII

1	[ECF 669, 670] Exhibit 3 to the	Deposition Transcript of Maximilian	PII
2	Declaration of Molly Jennings in	Klein dated May 31, 2023 at 212:9–	
3	Support of Meta’s Opposition to	25	
4	Users’ Class Cert. Motion		
5	[ECF 673-4] Exhibit 14 to the	Deposition Transcript of Dr. Nicholas	Irrelevant personal
6	Declaration of Kevin Y. Teruya in	Economides dated Sept. 14, 2023 at	beliefs
7	Support of Consumer Plaintiffs’	274:21–278:7	
8	Opposition to Facebook’s Motion		
9	to Exclude Testimony of Nicholas		
10	Economides		
11	[ECF 696-10] Exhibit 7 to the	Deposition Transcript of Maximilian	PII
12	Declaration of Kevin Y. Teruya in	Klein dated May 31, 2023 at 10:13–	
13	Support of Consumer Plaintiffs’	16	
14	Reply in Further Support of Motion		
15	for Class Certification and		
16	Appointment of Class Counsel		
17	[ECF 696-10] Exhibit 7 to the	Deposition Transcript of Maximilian	PII
18	Declaration of Kevin Y. Teruya in	Klein dated May 31, 2023 at 212:9–	
19	Support of Consumer Plaintiffs’	213:16	
20	Reply in Further Support of Motion		
21	for Class Certification and		
22	Appointment of Class Counsel		
23	[ECF 696-10] Exhibit 7 to the	Deposition Transcript of Maximilian	PII
24	Declaration of Kevin Y. Teruya in	Klein dated May 31, 2023 at 222:3–6	
25	Support of Consumer Plaintiffs’		
26	Reply in Further Support of Motion		
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1	for Class Certification and		
2	Appointment of Class Counsel		
3	[ECF 696-11] Exhibit 8 to the	Deposition Transcript of Sarah	PII
4	Declaration of Kevin Y. Teruya in	Grabert dated April 24, 2023 at 11:2–	
5	Support of Consumer Plaintiffs’	3	
6	Reply in Further Support of Motion		
7	for Class Certification and		
8	Appointment of Class Counsel		
9	[ECF 696-11] Exhibit 8 to the	Deposition Transcript of Sarah	P11
10	Declaration of Kevin Y. Teruya in	Grabert dated April 24, 2023 at	
11	Support of Consumer Plaintiffs’	126:20–127:11	
12	Reply in Further Support of Motion		
13	for Class Certification and		
14	Appointment of Class Counsel		
15	[ECF 696-11] Exhibit 8 to the	Deposition Transcript of Sarah	PII
16	Declaration of Kevin Y. Teruya in	Grabert dated April 24, 2023 at	
17	Support of Consumer Plaintiffs’	131:24–132:11	
18	Reply in Further Support of Motion		
19	for Class Certification and		
20	Appointment of Class Counsel		
21	[ECF 696-11] Exhibit 8 to the	Deposition Transcript of Sarah	PII
22	Declaration of Kevin Y. Teruya in	Grabert dated April 24, 2023 at	
23	Support of Consumer Plaintiffs’	140:16–141:23	
24	Reply in Further Support of Motion		
25	for Class Certification and		
26	Appointment of Class Counsel		
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1	[ECF 696-11] Exhibit 8 to the	Deposition Transcript of Sarah	PII
2	Declaration of Kevin Y. Teruya in	Grabert dated April 24, 2023 at	
3	Support of Consumer Plaintiffs’	143:21–144:13	
4	Reply in Further Support of Motion		
5	for Class Certification and		
6	Appointment of Class Counsel		
7	[ECF 696-11] Exhibit 8 to the	Deposition Transcript of Sarah	PII
8	Declaration of Kevin Y. Teruya in	Grabert dated April 25, 2023, at	
9	Support of Consumer Plaintiffs’	236:5	
10	Reply in Further Support of Motion		
11	for Class Certification and		
12	Appointment of Class Counsel		
13	[ECF 696-11] Exhibit 8 to the	Deposition Transcript of Sarah	PII
14	Declaration of Kevin Y. Teruya in	Grabert dated April 24, 2023 at	
15	Support of Consumer Plaintiffs’	341:17–20	
16	Reply in Further Support of Motion		
17	for Class Certification and		
18	Appointment of Class Counsel		
19	[ECF 696-11] Exhibit 8 to the	Deposition Transcript of Sarah	PII
20	Declaration of Kevin Y. Teruya in	Grabert dated April 24, 2023 at	
21	Support of Consumer Plaintiffs’	342:11–15	
22	Reply in Further Support of Motion		
23	for Class Certification and		
24	Appointment of Class Counsel		
25	[ECF 696-11] Exhibit 8 to the	Deposition Transcript of Sarah	PII
26	Declaration of Kevin Y. Teruya in	Grabert dated April 24, 2023 at	
27	Support of Consumer Plaintiffs’	354:18–355:20	
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1	Reply in Further Support of Motion		
2	for Class Certification and		
3	Appointment of Class Counsel		
4	[ECF 696-12] Exhibit 9 to the	Deposition Transcript of Rachel	PII
5	Declaration of Kevin Y. Teruya in	Banks Kupcho dated May 22, 2023 at	
6	Support of Consumer Plaintiffs’	48:23–49:6	
7	Reply in Further Support of Motion		
8	for Class Certification and		
9	Appointment of Class Counsel		
10	[ECF 696-12] Exhibit 9 to the	Deposition Transcript of Rachel	PII
11	Declaration of Kevin Y. Teruya in	Banks Kupcho dated May 22, 2023,	
12	Support of Consumer Plaintiffs’	at 97:18–20	
13	Reply in Further Support of Motion		
14	for Class Certification and		
15	Appointment of Class Counsel		
16	[ECF 696-12] Exhibit 9 to the	Deposition Transcript of Rachel	PII
17	Declaration of Kevin Y. Teruya in	Banks Kupcho dated May 22, 2023,	
18	Support of Consumer Plaintiffs’	at 179:17–18	
19	Reply in Further Support of Motion		
20	for Class Certification and		
21	Appointment of Class Counsel		
22	[ECF 696-12] Exhibit 9 to the	Deposition Transcript of Rachel	PII
23	Declaration of Kevin Y. Teruya in	Banks Kupcho dated May 22, 2023,	
24	Support of Consumer Plaintiffs’	at 188:6–7	
25	Reply in Further Support of Motion		
26	for Class Certification and		
27	Appointment of Class Counsel		
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1	[ECF 696-12] Exhibit 9 to the	Deposition Transcript of Rachel	PII
2	Declaration of Kevin Y. Teruya in	Banks Kupcho dated May 22, 2023,	
3	Support of Consumer Plaintiffs’	at 188:14–18	
4	Reply in Further Support of Motion		
5	for Class Certification and		
6	Appointment of Class Counsel		
7	[ECF 696-12] Exhibit 9 to the	Deposition Transcript of Rachel	PII
8	Declaration of Kevin Y. Teruya in	Banks Kupcho dated May 22, 2023,	
9	Support of Consumer Plaintiffs’	at 188:25–189:7	
10	Reply in Further Support of Motion		
11	for Class Certification and		
12	Appointment of Class Counsel		
13	[ECF 696-12] Exhibit 9 to the	Deposition Transcript of Rachel	PII
14	Declaration of Kevin Y. Teruya in	Banks Kupcho dated May 22, 2023,	
15	Support of Consumer Plaintiffs’	at 189:11–14	
16	Reply in Further Support of Motion		
17	for Class Certification and		
18	Appointment of Class Counsel		
19	[ECF 696-12] Exhibit 9 to the	Deposition Transcript of Rachel	PII
20	Declaration of Kevin Y. Teruya in	Banks Kupcho dated May 22, 2023,	
21	Support of Consumer Plaintiffs’	at 190:7–191:5	
22	Reply in Further Support of Motion		
23	for Class Certification and		
24	Appointment of Class Counsel		
25	[ECF 670-5] Exhibit 4 to the	User Class Rebuttal Report of	PII
26	Declaration of Molly Jennings in	Catherine Tucker at p. 11, fn 14	
27	Opposition to User Consumer		
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1	Plaintiffs' Motion for Class		
2	Certification		
3	[ECF 670-5] Exhibit 4 to the	User Class Rebuttal Report of	PII
4	Declaration of Molly Jennings in	Catherine Tucker at p. 28, fn 71	
5	Opposition to User Consumer		
6	Plaintiffs' Motion for Class		
7	Certification		
8	[ECF 670-5] Exhibit 4 to the	User Class Rebuttal Report of	PII
9	Declaration of Molly Jennings in	Catherine Tucker at pp. 46–47, fn	
10	Opposition to User Consumer	111	
11	Plaintiffs' Motion for Class		
12	Certification		
13	[ECF 670-5] Exhibit 4 to the	User Class Rebuttal Report of	PII
14	Declaration of Molly Jennings in	Catherine Tucker at p. 48, fn 117	
15	Opposition to User Consumer		
16	Plaintiffs' Motion for Class		
17	Certification		

19 I declare under penalty of perjury under the laws of the United States that the foregoing is true
20 and correct. Executed this 21st day of November 2023 at Berkeley, California.

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22 /s/ Shana E. Scarlett
23 Shana E. Scarlett
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SIGNATURE ATTESTATION

This document is being filed through the Electronic Case Filing (ECF) system by attorney Sonal N. Mehta. By her signature, Ms. Mehta attests that she has obtained concurrence in the filing of this document from the signatory.

By: /s/ Sonal N. Mehta
Sonal N. Mehta